CMPMO No. 94 of 2007.

24.7.2007 Present: Mr. Ramakant Sharma, Advocate, for the petitioner.

Mr. Neeraj Gupta, Advocate, for respondents 2 to 5.

Mr. Neeraj Gupta appearing for the respondents submits that he has no objection to the impugned order being set aside because he genuinely feels that the trial Court has not passed the impugned order in accordance with law.

Being in agreement with the aforesaid submission of Mr. Neeraj Gupta, I set aside the impugned order and direct the learned trial Court to decide afresh the petitioner's application filed under Order 1 Rule 10 of the Code of Civil Procedure strictly on its merits and in accordance with law.

The parties through their learned Counsel are directed to appear before the trial Court on 23rd August, 2007. Records be sent back.

CMP No. 290 of 2007.

Infructuous.

July 24, 2007. **(V.K. Gupta), C.J.**
(rc)